



3743
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Practitioner's Docket No. 1062/C39US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dean L. Kamen, Kevin Lee Grant, Larry B. Gray, Charles M. Grinnell, Brian Daniel Tracey, Fredric A. Newman, and Martin J. Kaplitt

Application No.: 09/703,532

Group No.: 3743

Filed: November 1, 2000

Examiner: Orland, Kathryn

For: Endarterectomy Surgical Instrument

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[x] deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

[x] with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Barbara J. Carter

Date: June 18, 2004

Barbara J. Carter

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	16	- 20	= 0	x \$ 18.00	= \$	0.00	
INDEP.	3	- 3	= 0	x \$ 86.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	0.00	

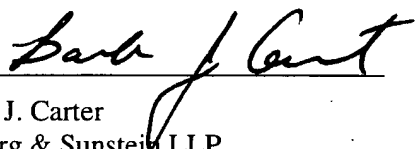
No additional fee for claims is required.

FEE DEFICIENCY

5. An additional extension and/or fee is required, charge Account No. 19-4972.

An additional fee for claims is required, charge Account No. 19-4972.

Date: June 18, 2004


Barbara J. Carter
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USA




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Kamen et al.	Art Unit:	3743
Appl. No:	09/703,532	Examiner:	Odland, Kathryn P.
Filing Date:	November 01, 2000	Docket No.:	1062/C39
Invention:	Endarterectomy Surgical Instrument		

Certificate of Mailing

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, Alexandria, VA, 22313, on June 18, 2004.


Barbara J. Carter

Honorable Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY - RESPONSE C

Dear Sir:

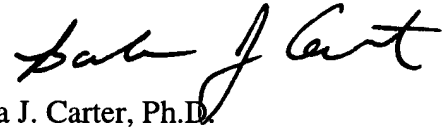
Applicants would like to express appreciation for the telephone interview of May 12, 2004, and submit this communication in response to the Advisory Action of May 19, 2004. On May 12, 2004, Attorney Barbara J. Carter, and representatives for the Applicants Maureen Toohey and Francis Agyare discussed the status of the response filed on May 4, 2004 with Examiner Odland, particularly apparatus claim 1 and method claim 14 with respect to both the apparatus and the method of using the apparatus being an all in one device and procedure for both separating and removing plaque from a blood vessel. Examiner Odland stated that as amended, the functional language in claim 1 was not sufficient to limit the claimed apparatus to one which did not preclude use of other instruments to remove the plaque. Examiner Odland also stated that she would consider Applicants' arguments concerning the wording of amended claim 14, and whether it was sufficient to overcome the cited prior art. No agreement was reached, however.

In conclusion, Applicants do not believe that an extension of time is required for timely consideration of this application, and that no fees are required. If fees are required

for the timely consideration of this application, however, Applicants authorize the Commissioner to charge deposit account number 19-4972 for payment of any such fees.

Date: June 18, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Carter". The signature is fluid and cursive, with the first name "Barbara" written in a large, flowing script, followed by "J." and "Carter".

Barbara J. Carter, Ph.D.
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